

EXHIBIT E

19 Deposition of Jeff Kepley, taken on behalf of
20 the Plaintiffs, before Kathy L. Pa'u, Certified
21 Shorthand Reporter 5684 and Registered Professional
22 Reporter for the State of California, commencing on
23 Monday, October 10, 2016, 9:00 a.m., at Veritext
24 National Litigation and Deposition Services, 20
25 Corporate Park, Irvine, California.

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10 The Videographer: Jill Warren

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1 Monday, October 10, 2016; 9:00 a.m.

2 Irvine, California

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5 THE VIDEOGRAPHER: Good morning. We are on the 09:06:25
6 record at 9:06 a.m., on October 10, 2016. This is the
7 video recorded deposition of Chief Jeff Kepley.

8 My name is Jill Warren, here with our court 09:06:35
9 reporter, Kathy Pa'u. We are here from Veritext Legal
10 Solutions at the request of counsel for plaintiffs.

11 This deposition is being held at 20 Corporate 09:06:46
12 Park, in Irvine, California. The caption of this case
13 is Spencer, et al. versus Lunada Bay Boys, et al. Case
14 No. 2:16-cv-021292 SJO RAOx before the United States
15 District Court, Central District of California.

16 Microphones are sensitive and may pick up 09:07:15
17 whispers, private conversations and cellular
18 interference. Please note that audio and video
19 recording will take place unless all parties agree to go
20 off the record.

21 If there are any objections to proceeding, 09:07:28
22 please state them at the time of your appearance.

23 Beginning with the noticing attorney, please state your
24 appearance.

25 MS. WOLF: Samantha Wolf from Hanson Bridgett 09:07:36

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1 appearing on behalf of the plaintiffs.

2 MR. RICHARDS: Ed Richards. I am here on 09:07:46
3 behalf of Chief Kepley and on behalf of the defendant
4 City of Palos Verdes Estates.

5 MR. WORGUL: John Worgul appearing on behalf of 09:07:56
6 the defendant Brant Blakeman.

7 MS. LUTZ: Tera Lutz, Lewis Brisbois, appearing 09:08:02
8 on behalf of Sang Lee.

9 MR. CROWLEY: Dan Crowley, Booth, Mitchel & 09:08:10
10 Strange also appearing on behalf of Sang Lee.

11 MR. CAREY: Pat Carey on behalf of defendant 09:08:13
12 Alan Johnston.

13 MR. HAVEN: Peter Haven on behalf of defendant 09:08:17
14 Michael Papayans.

15 THE VIDEOGRAPHER: Counsel on the telephone? 09:08:22

16 MR. FIELDS: Mark Fields for defendants
17 Angelo Ferrara and N.F.

18 MALE SPEAKER: On the phone, on behalf of
19 Frank Ferrara and Charlie Ferrara.

20 MR. RINGSMUTH: On the phone, Mark Ringsmuth
21 on behalf of Angelo Ferrara.

22 MS. HEWITT: Antoinette Hewitt on behalf of
23 the city.

24 MR. OTTEN: Vic Otten on behalf of plaintiffs. 09:08:53

25 THE VIDEOGRAPHER: Okay. Thank you. The court 09:09:03

1 reporter will administer the oath. Then counsel may
2 begin the examination.

3

4 JEFF KEPLEY was
5 called as a witness by and on behalf of the Plaintiffs,
6 and having been first duly sworn by the Certified
7 Shorthand Reporter, was examined and testified as
8 follows:

9

10 EXAMINATION

11

12 BY MS. WOLF 09:09:15

13 Q Good morning, Chief. 09:09:15

14 A Good morning. 09:09:17

15 Q Can you please state and spell your full name 09:09:18
16 for the record?

17 A My name is Jeff Kepley, K-E-P-L-E-Y. 09:09:21

18 Q Thank you, sir. 09:09:25

19 Have you ever had your deposition taken before? 09:09:25

20 A Yes. 09:09:27

21 Q And what type of case -- I'm sorry, how many 09:09:27
22 times?

23 A Less than a half a dozen criminal cases. 09:09:31

24 Q All in your capacity, your professional 09:09:34
25 capacity?

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1 Q Was the interim police chief on any of those 09:16:47
2 panels?
3 A No. And the last interview was with the city 09:16:52
4 manager.
5 Q Was the city council involved in any of those 09:16:56
6 interviews?
7 A Not with me, directly. 09:17:00
8 Q Did you know anyone in the Palos Verdes Estates 09:17:06
9 Police Department prior to becoming Chief?
10 A Yes. 09:17:13
11 Q Who was that? 09:17:13
12 A A former lieutenant, who has been deceased for 09:17:14
13 many years.
14 Q Anybody else? 09:17:18
15 A No. 09:17:19
16 Q Did you know anyone who worked for the City of 09:17:19
17 Palos Verdes Estates before you became Chief?
18 A No. 09:17:28
19 Q Did you know anyone who lives in Palos Verdes 09:17:28
20 Estates before you became Chief?
21 A No. 09:17:33
22 Q Have you ever lived in or near Palos Verdes 09:17:34
23 Estates?
24 A No. 09:17:37
25 Q Do you currently live in Palos Verdes Estates? 09:17:38

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1 A I do not. 09:17:40

2 Q Are you familiar with the term localism as it 09:17:40

3 relates to surfing?

4 A Yes. 09:17:45

5 Q What do you understand it to mean? 09:17:46

6 A Generally, I believe, it's a term referring to 09:17:49

7 locals, people who live in that area that dissuade

8 others from enjoying the surf in that area.

9 Q And when you say dissuade others, how so? 09:18:04

10 A Generally, it's broad in many, many different 09:18:09

11 ways.

12 Q Does it include violence? 09:18:11

13 MR. CROWLEY: Objection; overbroad. 09:18:18

14 MR. RICHARDS: You're asking what his 09:18:18

15 definition is; correct?

16 MS. WOLF: Right. 09:18:22

17 MR. RICHARDS: Thanks. 09:18:23

18 BY MS. WOLF 09:18:24

19 Q Or can it include violence? 09:18:25

20 A I think maybe, in the most extreme cases, it 09:18:27

21 could. Generally speaking, I don't think people, when

22 speaking of localism, think about violence. But that's

23 just my own definition.

24 Q Can it also include harassment? 09:18:38

25 MR. CROWLEY: Incomplete hypothetical, lacks 09:18:43

1 professionalism. What did you mean by that?

2 A Her comments are very informal. And some of 09:28:45
3 the terminology she used, and the way she characterized
4 this issue, I just didn't think was professional.

5 Q And what terminology, specifically, do you feel 09:28:56
6 was unprofessional?

7 A Well, the way she describes a group of people 09:29:04
8 as infamous and pretty much grown men in little men's
9 mindset. Those kinds of phrases are just
10 unprofessional. Not what I would have expected a
11 representative of the police department to speak in that
12 tone or in that manner.

13 Q Understood. And in what way was this not the 09:29:22
14 message that you would have chosen?

15 A Well, in many ways. But probably most 09:29:31
16 importantly, it lacks compassion. And it lacks a
17 statement that identifies the police department as being
18 willing to address this.

19 Q Was any effort made to identify the people who 09:29:49
20 had harassed these reporters, allegedly?

21 A I don't know. 09:30:00

22 Q Did anyone follow up, with these reporters, to 09:30:06
23 obtain the footage of them being harassed?

24 A I recall the detectives made an attempt to 09:30:12
25 contact the reporters to get the tape to investigate it.

1 But as I recall, the organization who possessed the tape
2 was unwilling to relinquish it.

3 Q But you had the copy of what had been already 09:30:25
4 released online; correct?

5 A Yes. 09:30:28

6 Q And do you know if they followed up to do any 09:30:30
7 investigation?

8 A On this part, I believe. 09:30:34

9 Q And in your email, on the second page of this 09:30:36
10 CITY 1112, in bullet point No. 2, you say we are looking
11 into the crime of audio recording without permission,
12 too. Did you -- so your department considered charging
13 the reporters with a crime for recording the video
14 without the dispatcher's permission?

15 A No. I just think it was interesting, to me, to 09:31:04
16 look into whether or not that was appropriate or a
17 criminal offense. Or what the statutes were with
18 respect to audio recording the dispatcher.

19 Q And were these reporters ever charged with a 09:31:16
20 crime?

21 A No, they were not. 09:31:20

22 Q And why not? 09:31:22

23 A I don't recall. But I never received any 09:31:26
24 information that anything proceeded forward with that
25 issue.

1 Q And you also state, in point three, that the 09:31:40
2 patrol bureau will be initiating extra patrols in the
3 next few weeks as a result of anyone responding to the
4 article or, quote, locals acting up to protect their
5 area, end quote.

6 Why did you feel that extra patrols were 09:31:57
7 necessary?

8 A Well, at that time, I was just fearful that 09:32:02
9 media attention in that area would attract others to
10 come into the area, and would exacerbate -- if there is
11 any other preexisting conditions, exacerbate that
12 condition.

13 I was aware of some incidents in the past where 09:32:18
14 people came in and started causing problems. And I just
15 wanted to be proactive and prevent that from happening.

16 Q Is it fair to say that, at the time that you 09:32:31
17 sent this email, you believed that there were, at least,
18 some locals who perhaps felt Lunada Bay was their turf?

19 MR. WORGUL: I will object as to vague and 09:32:43
20 ambiguous as to what locals are.

21 MS. LUTZ: Join. 09:32:47

22 MR. RICHARDS: If you understand, you can 09:32:49
23 answer.

24 THE WITNESS: Solely based on the video 09:32:55
25 excerpt, I had concern. Because I didn't know who the

1 participants were. And it did look like there was some
2 activity in that video, just causing concern.

3 BY MS. WOLF 09:33:07

4 Q Okay. Were extra patrols added? 09:33:08

5 A Yes. 09:33:13

6 Q Did you see an increase in incidents after this 09:33:15
7 article and video were published online?

8 A No, not as I had feared or anticipated. 09:33:25

9 Q Do you recall how long you kept those extra 09:33:33
10 patrols going?

11 A They are still going on. Even today. 09:33:37

12 Q And did they start immediately after this 09:33:42
13 incident? So that was on May 20th, 2015.

14 A Yes. 09:33:51

15 MS. WOLF: Let's take a quick break. 09:34:00

16 THE VIDEOGRAPHER: Off the record at 9:34 a.m. 09:34:02
17 (Recess taken.) 09:39:30

18 THE VIDEOGRAPHER: We are back on the record at 09:39:48
19 9:39 a.m.

20 BY MS. WOLF 09:39:52

21 Q Okay. Chief, turning your attention back to 09:39:54
22 this same exhibit, paragraph four of your email?

23 A Uh-huh. 09:40:02

24 Q You acknowledge that Palos Verdes Estates has, 09:40:03
25 quote, a reputation now of tacitly approving or

1 condoning these, quote, surfer wars, unquote.

2 Did you not think that Palos Verdes Estates had 09:40:15
3 that reputation prior to this incident?

4 A You know, I didn't know that to be the case or 09:40:21
5 to be true. I hadn't been there that long. But with
6 this videotape, I was concerned that some may perceive
7 that. And it was just important, to me, to address that
8 and convey that to the captain. So they can proactively
9 direct their people to overcome that perception and
10 resolve these matters.

11 Q I'm sorry, did you say you did or did not know 09:40:46
12 that?

13 A Well, I did not know that to be the case. 09:40:49

14 Q Okay. 09:40:51

15 A You know, the videotape and the timeline was 09:40:52
16 kind of the beginning of this Lunada Bay thing in my
17 time frame within Palos Verdes Estates. _____

18 Q And how long have you been with the department 09:41:02
19 at that point?

20 A Well, I joined the department in June of 2014. 09:41:07 _____

21 Q Okay. So almost a year? 09:41:10

22 A And we hadn't had many issues in Lunada Bay 09:41:12
23 that I was aware of. Certainly, none that were high
24 profile or rose to this level. _____

25 Q You state that, as a result, you discussed 09:41:23

1 making contact with the local surfers to let them know
2 that, quote, we will not tolerate this, end quote.

3 What were you referring to? 09:41:37

4 A Which section are you referring to here in this 09:41:42
5 document?

6 Q Paragraph four, the second sentence. 09:41:45

7 A So in this document, I'm describing and 09:42:02
8 directing the captains to engage. And part of that was
9 to engage with those that were surfing down there, to
10 let them know what was going on, and to layout our
11 expectations, that it's a public beach. And people are
12 expected to behave civilly. And we are not going to
13 tolerate anything that we've seen in the video tape.

14 Q Okay. And you note that, at the same time -- 09:42:31
15 or sorry, quote, at the same time, we do not want to
16 alienate many of our long-term residents, end quote.

17 Can you explain what you meant by that? 09:42:43

18 A Yeah, I didn't want the captains to be so 09:42:46
19 overbearing and so aggressive as to cause a reaction by
20 anyone, particularly our residents. I want our
21 residents to see us for what we are, the law enforcement
22 agency proactively addressing a public complaint.

23 We are there to ensure public safety. And part 09:43:10
24 of that is to address any of those that might be
25 involved, to give them direction as to what we would

1 expect out of them.

2 Q Why were you concerned that sending surfers the 09:43:19
3 message that you wouldn't tolerate that type of conduct
4 would alienate residents?

5 A Well, I don't know as I can articulate exactly 09:43:35
6 what I was thinking when I wrote this email, back in, it
7 appears to be, May 20th, 2015. So I'm afraid I don't
8 know as I can articulate that any further at this point
9 in time.

10 Q Okay. So did anyone from the Palos Verdes 09:43:55
11 Estates Police Department make contact with local
12 surfers?

13 A I believe they did. 09:44:15

14 Q Do you know who made that contact? 09:44:17

15 A No. Because it wasn't a singular contact. It 09:44:20
16 was an ongoing effort. I know the captains were active.
17 Many members of the staff were engaged down in Lunada
18 Bay and contacted as many people as we could. I know it
19 wasn't just one contact, but many.

20 Q When did this contact begin? 09:44:40

21 A Probably shortly following this email. 09:44:41

22 Q Was there not regular contact with local 09:44:43
23 surfers before that?

24 A I don't know. I would characterize it as there 09:44:49
25 was contact. But the degree to which it was considered

1 regular, I just don't know.

2 Q Where did the contact generally occur? Was it 09:45:03
3 at the beach or elsewhere in the community?

4 A That, I don't know. Beyond, I know that 09:45:10
5 efforts were made to contact surfers down there that
6 were surfing. And when I say down there, I'm referring
7 to Lunada Bay.

8 Q Sure. Do you know what the content of the 09:45:26
9 conversation was? In other words, did you have any
10 discussions with the people in your department who were
11 relaying this message to the surfers before they relayed
12 the message?

13 MR. RICHARDS: That's a yes or no question. 09:45:43
14 Did you or did you not?

15 THE WITNESS: Can you repeat that, please? 09:45:48
16 BY MS. WOLF 09:45:49

17 Q Sure. Do you know what the content of the 09:45:50
18 conversation was between the officers and the local
19 surfers?

20 A No. 09:46:00

21 Q Did you have any conversations with the 09:46:01
22 officers before they engaged with the local surfers?

23 A Not all of the patrol officers. But the 09:46:10
24 captains.

25 Q And what were those conversations? What did 09:46:13

1 you -- I'm sorry, let me start over.

2 Did you give them any guidance as to what the 09:46:20
3 conversations should be?

4 A I relayed my expectations, that I expect them 09:46:26
5 to have their staff engage and address this. I didn't
6 go into extreme level of detail, because they are
7 division commanders. They know what's to take place.

8 All I did was give them direction.

9 Q What was the direction? 09:46:46

10 A To have officers proactively engage in this 09:46:48
11 issue and attempt to resolve it by proactively engaging
12 with the surfers, the community, being present, and
13 extra patrols, et cetera.

14 Q But you didn't tell them what the message 09:47:02
15 should be to the surfers?

16 A I don't recall telling them what to say, no. 09:47:07

17 Q Did you get any feedback on how the message was 09:47:14
18 received by the surfers?

19 A Not that I recall. 09:47:19

20 MR. WORGUL: Objection; vague and ambiguous as 09:47:22
21 to who the surfers are.

22 BY MS. WOLF 09:47:24

23 Q Then in paragraph No. 5, it says, quote, I am 09:47:25
24 stepping up efforts to replace the boat. What boat are
25 you referring to?

1 of using undercover officers in the area or in the water
2 to further witness and investigate these matters.

3 Do you know if any officers went with 09:50:40
4 undercover in Lunada Bay following this incident?

5 A They did not, not that I am aware of. 09:50:45

6 Q Why is that? 09:50:48

7 A Well, logistics, for one, are a little bit 09:50:54
8 difficult. Because we are a small city, in the context,
9 that many of our officers know the surfers and the
10 surfers know our officers.

11 So I would need to use officers from other 09:51:13
12 areas. And that creates kind of a logistical challenge.

13 That -- so --

14 Q Did you reach out to any other local 09:51:34
15 jurisdictions to ask for help in this regard?

16 A I did. 09:51:40

17 Q Which jurisdictions? 09:51:40

18 A City of Santa Monica. 09:51:42

19 Q Any others? 09:51:46

20 A I actually extended the request to several 09:51:47
21 agencies. And Santa Monica was the agency that
22 responded.

23 Q No others responded? 09:51:58

24 A No. 09:52:00

25 Q Sorry, was that a no? 09:52:00

1 A That was a no. 09:52:02
2 Q And what was the nature of your request? 09:52:06
3 A Well, I asked for officers to go undercover as 09:52:10
4 surfers, or in some other way offer some support for
5 surveillance, or get some other additional resources to
6 police the Lunada Bay issue.
7 Q And what was the City of Santa Monica's 09:52:24
8 response to your request?
9 A It was favorable and helpful. They provided 09:52:31
10 supervisory and line level officers in an undercover
11 capacity.
12 Q Did they provide surfers? 09:52:39
13 A Officers that would pose as surfers, yes. 09:52:42
14 Q So they did send undercover officers? 09:52:47
15 A They offered those officers to us. 09:52:53
16 Q But you didn't accept their offer? 09:52:56
17 A We accepted, but had to cancel. 09:52:58
18 Q Why is that? 09:53:01
19 A Because the -- we categorize this as an 09:53:04
20 undercover operation, if you will, with a plan that
21 involved surveillance units, supervisory units and line
22 level officers posing as surfers to go into the bay.
23 But that operation was compromised. And it 09:53:20
24 became known to other surfers in the area. So as
25 typical, when that happens, the operation was canceled

1 to protect the officers.

2 Q When was the operation scheduled to commence? 09:53:34

3 A I don't recall the date. 09:53:39

4 Q It was in 2015 or 2016? 09:53:41

5 A I believe it was January or February of 2016. 09:53:45

6 Q And how long had it been planned? In other 09:53:55

7 words, how long had your department been working with

8 Santa Monica to coordinate this?

9 A I would estimate maybe a month. 09:54:08

10 Q And you said the operation was compromised, how 09:54:17

11 was it compromised?

12 A It was brought to my attention that the city 09:54:25

13 manager had received a phone call from someone claiming

14 to be a surfer in Lunada Bay that was questioning why

15 the cops are coming out undercover tomorrow.

16 So the caller appeared to have information that 09:54:41

17 he knew that our operation was the following day. And

18 that we would have an undercover operation that day.

19 So upon hearing that from the city manager, it 09:54:56

20 was clear, to me, the information had been leaked out to

21 the community somehow or to surfers, whoever that might

22 have been on the phone. And to protect the officers, I

23 decided to cancel the operation.

24 Q Did you follow up to investigate where that 09:55:11

25 leak might have occurred?

1 A Initially, no. Because it was -- it could have 09:55:16
2 come from anywhere.

3 Q Meaning anyone within your department? 09:55:23

4 A It could have been in my department, anyone in 09:55:27
5 Santa Monica Police Department, or any other agency in
6 L.A. County, who was at the chief's meeting when I asked
7 for help.

8 Q And when was that chief's meeting? 09:55:38

9 A I don't recall the date. But it preceded that 09:55:43
10 operation in January or February. So it was probably
11 November or December, maybe, of 2015.

12 Q Who in your department knew about this 09:56:02
13 undercover operation?

14 A The captains, I believe the city manager. And 09:56:08
15 beyond that, I don't know. It may have been -- that
16 information may have been shared with the detective
17 sergeant. And that would be typical.

18 Q How many captains are there in your department? 09:56:29

19 A Two. 09:56:33

20 Q Mark Velez and Tony Best? 09:56:33

21 A That's correct. 09:56:36

22 Q And is there one detective sergeant? 09:56:38

23 A There is one. 09:56:41

24 Q And who is that? 09:56:42

25 A That is Luke Hellinga, H-E-L-L-I-N-G-A. 09:56:45

1 BY MS. WOLF

10:02:26

2 Q Did the surfer, who said that he was aware of 10:02:35
3 the undercover operation, did he give any other details,
4 any other information about the operation?

5 A Not that I recall. He had a conversation with 10:02:48
6 the city manager. Not much of that was relayed to me.

7 Q Okay. Just that the operation had been 10:02:54
8 compromised?

9 A Yeah, the city manager was equally concerned 10:02:57
10 about the safety of the officers, and conveyed it to me,
11 that someone called me and they knew about it, what are
12 you going to do? And I said, I'm going to cancel it.

13 Q Do you know if the city manager ever followed 10:03:09
14 up to determine who the caller was?

15 A I do not know. 10:03:14

16 Q Now, following the incident between the 10:03:31
17 dispatcher and the reporters from The Guardian, did you
18 ever communicate with your entire department that, for
19 instance, localism isn't condoned by your department?

20 MR. WORGUL: I'll object; vague and ambiguous. 10:03:51
21 If we are going to Chief's definition of localism
22 throughout the rest of the deposition, so I don't have
23 to continue to make that objection --

24 MS. WOLF: I'll let you know when we change 10:04:03
25 definitions.

1 MR. WORGUL: Wonderful. 10:04:07

2 THE WITNESS: I believe I communicated that in 10:04:08
3 101 conversations with the staff and department
4 individuals, throughout the course of the time from when
5 The Guardian video aired to today.

6 I may have communicated that globally through a 10:04:24
7 department email. I believe I did. I don't remember,
8 specifically, when that might have been, though.

9 BY MS. WOLF 10:04:33

10 Q Okay. Now, going back to the dispatcher's 10:04:33
11 comments, she said we know all of them. What did she
12 mean by that, if you know?

13 A I'm sorry, I don't know. 10:04:58

14 MR. WORGUL: Objection; calls for speculation. 10:05:00

15 BY MS. WOLF 10:05:01

16 Q Did you ever ask her? 10:05:02

17 A I did not. 10:05:02

18 Q Did anyone in your department ever ask her? 10:05:04

19 A They may have because a supervisor was -- 10:05:07

20 MR. RICHARDS: Do you know? 10:05:11

21 THE WITNESS: I do not know. 10:05:11

22 BY MS. WOLF 10:05:12

23 Q My question was: Do you know if anyone ever 10:05:14
24 asked her?

25 A And I don't know that. 10:05:17

1 Q Of course. Take your time. 10:07:06

2 A So I do not recall being interviewed for this 10:07:24
3 particular article. But I did have many conversations
4 with its author, Garrett Therolf, from the L.A. Times,
5 some of which may be for this article.

6 Q Okay. If you turn to page two of the article, 10:07:40
7 the first full paragraph, you're quoted as saying,
8 quote, I'm not so naive to believe that we can solve
9 this instantly or overnight. It took 50 years to get
10 here. Hopefully, it won't take that long to resolve, I
11 think it's very important to get the word out as
12 aggressively and enthusiastically as we can that the
13 status quo is going to be mixed up around here.

14 Do you recall saying that? 10:08:11

15 A I recall making statements like that to him, 10:08:14
16 yes.

17 Q Okay. What did you mean when you said that the 10:08:16
18 status quo is going to be mixed up around here?

19 A When this Guardian video came out, it caused a 10:08:33
20 quick steep learning curve for me to learn some of the
21 history. And I had heard people from the community and
22 staff members, and all, tell me that there have been
23 conflicts and issues in the surfing culture for many,
24 many years, as many as 50 years or more.

25 And I just felt strongly that if that had been 10:09:07

1 the case for 50 years, I wasn't here then, but I'm here
2 now, and we are going to protect those in the Lunada
3 Bay. And we will ensure that it's open to the public,
4 and free of any kind of hazing or harassment that this
5 article dealt with.

6 Q So were you unaware of this history before you 10:09:27
7 became Chief?

8 A That's correct. 10:09:31

9 Q Do you believe that a certain level of localism 10:09:36
10 was tolerated before you became Chief?

11 MR. WORGUL: I will object as vague and 10:09:45
12 ambiguous as to who tolerates localism.

13 THE WITNESS: I think my understanding of 10:09:58
14 localism, as we have established my definition, I
15 believe occurs every where around the world where there
16 is surf and surfing. And I believe that also occurred
17 in Lunada Bay as part of this surfing culture. And so
18 that's what I was trying to address.

19 BY MS. WOLF 10:10:22

20 Q Do you think it was tolerated by previous 10:10:22
21 chiefs and previous administration, city council and the
22 mayor?

23 A No, I had heard that there was that perception. 10:10:33
24 But I was aware of the police department for many years
25 working very proactively to address and combat localism

1 and ensure safety down in Lunada Bay.

2 Q So when you say that the status quo is going to 10:10:48
3 be mixed up, if the status quo had been all ready to try
4 and prevent that behavior, what exactly did you mean by
5 that?

6 A I was speaking about the perception, the 10:11:02
7 perception that maybe the police department or the city
8 doesn't do anything about it.

9 Q And you wanted to change that perception? 10:11:09

10 A Absolutely. 10:11:11

11 Q But you thought the police had done something 10:11:13
12 about it in the past?

13 A Well, I knew they had. Because I had, you 10:11:17
14 know, seen files, and had talked to staff and learned as
15 much as I could after this video came out. And so I
16 knew the police department had done some very good work
17 in the past on this.

18 Q And you said you spoke with community members 10:11:35
19 and others in the department to learn the history about
20 the issue of localism at Lunada Bay; is that right?

21 A Yes. 10:11:47

22 Q Who did you speak with within your department? 10:11:48

23 A So, as the Police Chief, I primarily interfaced 10:11:51
24 with the captains. We have a chain of command. Any and
25 all members can come talk to me, and I can talk to them.

1 Typically, we worked through the chain of command. So I
2 spent most of the time talking to the captains.

3 Q Did you speak with anyone in the community? 10:12:35

4 A I've had conversations with residents from time 10:12:43
5 to time. But I can't tell you who or when. Because
6 it's just part of a daily routine.

7 Q Understood. 10:12:52

8 10:12:57
9 Let's see, the article also says that, in the
10 third paragraph down on the top of page two, the article
11 says, and Kepley said he hopes to make the first arrests
12 in years of one of the assailants.

13 10:13:16
14 Do you recall making a statement to that
15 affect?

16 A I do. 10:13:19

17 Q And why did you feel that it was important to 10:13:19
18 make an arrest?

19 A Well, I thought it was more important to convey 10:13:27
20 my position that, if a criminal act occurred, that we
21 would act, that we would arrest, that we are there to
22 police and maintain public safety.

23 10:13:41
24 Because the perception was that we weren't. So
25 my statement was more of a change statement, to change
26 perception, and tell the truth that, despite what people
27 may have heard or believed, the police department is
28 going to professionally police, and not condone, or

1 tacitly approve or turn a blind eye to any wrongdoing in
2 the bay.

3 Q Did you intend to make an arrest? 10:14:04

4 A Not me, personally. Because I don't personally 10:14:06
5 police. But the officers working that area, absolutely,
6 if there is a criminal offense, and it was an arrestable
7 offense and the circumstances were appropriate for an
8 arrest, absolutely.

9 Q Has an arrest been made? 10:14:22

10 A Yes. 10:14:24

11 Q How many? 10:14:24

12 A One that I am aware of. 10:14:25

13 Q Who was that? 10:14:27

14 A I don't recall the name. 10:14:34

15 Q If I said the name, would it ring a bell? 10:14:38

16 A It may. 10:14:41

17 Q David Melo or Alan Johnston? 10:14:42

18 A I'm sorry, I don't recall the arrestee or the 10:14:48
19 defendant's name.

20 Q That's fine. 10:14:52

21 A But it was with respect to Ms. Reed's 10:14:53
22 complaint.

23 Q Okay. And we can get into that in a little 10:15:02
24 bit.

25 Do you know if the arrest resulted in a 10:15:11

1 conviction?

2 A It did not. 10:15:16

3 Q Why was that? 10:15:17

4 A The district attorney refused or declined to 10:15:17
5 file charges or prosecute the case.

6 Q Do you know why the district attorney declined? 10:15:25

7 A It's my understanding that the totality of the 10:15:29
8 information that was presented to the district attorney
9 included some witness statements that refuted the
10 victim's account of the way in which incidents occurred
11 on that particular day.

12 Q Okay. Why do you think it is that no arrests 10:15:46
13 had been made in a number of years prior?

14 MR. WORGUL: Objection; argument. 10:16:06

15 MR. CAREY: Lack of foundation. 10:16:07

16 MR. WORGUL: Overbroad. 10:16:10

17 MR. RICHARDS: Los Angeles foundation. And 10:16:12
18 it's calling for pure speculation. As phrased, I'll
19 instruct him not to answer.

20 MS. WOLF: On what grounds? 10:16:19

21 MR. RICHARDS: On the grounds that it's an 10:16:21
22 improper question. There is no foundation for it. It's
23 not reasonably calculated to lead to admissible
24 evidence.

25 MS. WOLF: That is not an appropriate objection 10:16:29

1 make the first arrest in years of one of the assailants.

2 And you said you recall making that statement; correct?

3 A I do. 10:17:40

4 MR. RICHARDS: I stand corrected. You were 10:17:41
5 right.

6 MS. WOLF: Thank you. 10:17:43

7 MR. RICHARDS: Sure. 10:17:44

8 BY MS. WOLF 10:17:44

9 Q So why do you think it is, if you know, whether 10:17:45
10 -- sorry, let me say that again.

11 Why do you think it is, if you know, that no 10:17:53
12 arrests had been made in years?

13 A Well, I don't know, if an arrest was not made, 10:18:01
14 why an arrest was not made. I wouldn't know that.

15 Again, the context of my statements was referring to
16 public perception as it was conveyed to me that, you
17 know, for years, nothing's been done.

18 So I was trying to make a positive statement. 10:18:21

19 And I meant it, that this police department will
20 proactively police, and we will be present. And if
21 there is criminal wrongdoing, we will make an arrest.

22 Q You also said, kind of, in the fourth 10:18:43
23 paragraph, fourth line, I guess, down, quote, we'll make
24 an example of anyone who behaves criminally down there.

25 Do you recall making that statement? 10:18:55

1 A I do. 10:18:56

2 Q And what did you mean by that? 10:18:56

3 A Well, again, I was looking to make a statement 10:19:00

4 that I'm the Chief here, now. And regardless of what

5 you may think of what happened in the past, if someone

6 commits an arrestable defense, we are going to make an

7 arrest. And we are going to prosecute a case.

8 And that, you know, make an example of them. I 10:19:18

9 was going to publicize it. And let that be a lesson to

10 anyone else who may, you know, do the same thing. And

11 so that was my intent by making those statements.

12 Q Why would you think that it would be important 10:19:32

13 to publicize any arrests?

14 A Again, to address public perception. Because I 10:19:40

15 knew that the way the reporter was questioning me that

16 there were folks out there -- and I knew this from my

17 conversations with others -- there were folks out there

18 that thought the police department wasn't doing enough.

19 And I knew that the police department was very 10:19:57

20 committed and very engaged. So I wanted to convey that

21 to the viewing audience of this article, or any other

22 articles.

23 Q And were you hoping that maybe there would also 10:20:09

24 be a deterrent effect?

25 A Certainly. And I had hoped that, had an arrest 10:20:14

1 been made, that would have been the same effect.

2 Q Okay. Now, you said that there has been an 10:20:21
3 arrest since this time. Do you think that your
4 department has made an example out of that person who
5 was arrested?

6 A No. We have not. 10:20:40

7 Q And why is that? 10:20:44

8 A Because, at the time that I could have made 10:20:47
9 that announcement, I had, at that point in time, already
10 been notified that the district attorney declined to
11 prosecute the case.

12 Q At the time you made the arrest? 10:21:00

13 A No, at the time I would have announced the 10:21:01
14 arrest, I had been notified the DA refused or declined
15 to prosecute.

16 Q What was the -- if you recall, what was the 10:21:11
17 time lapse between the time you made the arrest and
18 being notified that the district attorney was not going
19 to prosecute?

20 A I don't recall. 10:21:20

21 Q Was it a month or less? 10:21:21

22 A Probably, no more than a month, but probably 10:21:26
23 less.

24 Q Okay. And since making this statement that you 10:21:30
25 will make an example out of anyone who behaves

1 criminally down there, do you think that your department
2 has made an example out of anyone who behaves criminally
3 down there?

4 MR. CAREY: Objection; assumes facts not in 10:21:54
5 evidence, that someone has behaved criminally down
6 there.

7 MR. WORGUL: Calls for speculation, vague and 10:22:00
8 ambiguous.

9 THE WITNESS: No one particular example. 10:22:04
10 BY MS. WOLF 10:22:07

11 Q Meaning that it's happened on numerous 10:22:09
12 occasions that you've made an example?

13 A Meaning that there was no example where we went 10:22:15
14 out to the media to announce an arrest or publicize
15 policing action at the bay.

16 Q Okay. Did you subsequently receive any 10:22:25
17 backlash from the Palos Verdes Estates community in
18 response to your statements in this article?

19 A Yes. 10:22:36

20 Q Is it fair to say that some Palos Verdes 10:22:38
21 Estates residents don't view localism at Lunada Bay as a
22 problem?

23 A I don't know if I can define the quantity of 10:22:52
24 some. But yes.

25 Q More than one? 10:22:57

1 A Yes. 10:22:58

2 Q Okay. I'm going to show you a document that 10:23:17

3 I'd like marked as Exhibit 4.

4 (Exhibit 4 was marked for

5 identification by the Certified Shorthand

6 Reporter and a copy is attached hereto.)

7 BY MS. WOLF 10:23:33

8 Q And this appears to be a message that you 10:23:36

9 posted online through Next Door, on December 31st, 2015.

10 Did you write this post?

11 A I did. 10:23:47

12 MR. FIELDS: Excuse me, again, this is Mark 10:23:50

13 Fields. Are there Bates stamped pages?

14 MS. WOLF: Sorry, yes, there are. It's Bates 10:23:56

15 stamped CITY 1082.

16 MR. FIELDS: Can you give me that number again, 10:24:00

17 please?

18 MS. WOLF: CITY 1082. 10:24:02

19 THE WITNESS: I did write this. And this is 10:24:05

20 the article that I referred to in an earlier line of

21 questioning.

22 BY MS. WOLF 10:24:10

23 Q Okay. Was there anything that prompted you to 10:24:10

24 write this post?

25 A Yes, I feel, as Police Chief, serving the 10:24:21

1 A I've seen a lot of emails, as can you imagine. 10:39:17

2 If you would just give me a moment to peruse this.

3 Q Take your time. 10:39:23

4 A Yes, I remember reading that. 10:40:07

5 Q Okay. And so he sent an email, which was page 10:40:08

6 two of this exhibit, CITY 1016. His email went to the

7 city manager, the mayor, the city council. And he said

8 that he is a life long Palos Verdes Estates resident and

9 was outraged by the recent events taken by our new, in

10 caps, Police Chief Kepley, end quote.

11 And he said that your statements to the media 10:40:37

12 about the local surf situation in the midst of a recent

13 crime spree are grounds for your termination.

14 Do you know what crime spree he is referring 10:40:49

15 to?

16 A Yes. 10:40:51

17 Q What is that? 10:40:51

18 A In the last quarter of 2015, from mid August -- 10:40:52

19 I'm sorry, mid October to the end of the year,

20 December 31st, we had, in the City of Palos Verdes

21 Estates, increase or had seen an increase in residential

22 burglaries.

23 We were inundated, if you will, with organized 10:41:08

24 criminal gangs or gang-affiliated criminal groups that

25 were coming up from south Los Angeles in teams of three

1 or four, very well dressed, driving nice cars. And they
2 were committing multiple residential burglaries per day
3 in a city that generally sees between zero and three
4 burglaries a month. In December, we faced 25 or 30.

5 So we were working very, very hard at trying to 10:41:38
6 address this onslaught of burglaries within our
7 community. Some of the burglary victims were having
8 losses of \$200,000 or more. And so it was a huge
9 community issue.

10 One in which I was also publicly messaging, 10:41:58
11 attending meetings, educating crime prevention, all of
12 those things. And so I think this gentleman was making
13 a judgment about my participation in the bay issue in
14 the midst of the crime issue.

Q He also -- 10:42:22

16 A If I could just, I'm sorry -- 10:42:23

17 Q Of course. 10:42:25

18 A If I could just elaborate. As the Police 10:42:25
19 Chief, I don't get to pick and choose. I police
20 everything, no matter what comes our way. And it was
21 just as important for me to become vigilant and public
22 and engaged and focused on the burglary problem as it
23 was to address the surfer program.

24 Q Understood. Thank you. 10:42:45

25 He also accused you of, quote, railroading the 10:42:46

1 you be terminated?

2 A No. 10:47:20

3 Q Okay. I'm going to ask that this document be 10:47:27
4 marked as Exhibit 6.

5 (Exhibit 6 was marked for
6 identification by the Certified Shorthand
7 Reporter and a copy is attached hereto.)

8 BY MS. WOLF 10:47:31

9 Q Wait, I think I just lost my copy. 10:47:41

10 Thank you. 10:47:48

11 This is an email. It's Bates marked CITY 996. 10:47:59

12 It's an email -- well, it's an email stringer. And the
13 top email is from Anton Dahlerbruch to Michael Papayans.

14 The date is February 8th, 2016. And you're cc'd on this
15 email.

16 A Uh-huh. 10:48:22

17 Q Turning to an email that Mr. Papayans sent. 10:48:25
18 It's page two of this exhibit. It's Bates CITY 997. He
19 starts out by -- he is writing to the mayor, mayor pro
20 tem, city council, and the city manager, on
21 February 7th, 2016.

22 And he says that he is writing this letter, 10:48:49
23 quote, to voice my disgust with the way our police
24 resources are being utilized by the current Police Chief
25 Kepley. He states that he has lived and surfed in the

1 community for over 40 years, but is upset that there
2 were policing efforts aimed to curb localism. He also
3 referenced other surfing communities that he believes
4 were adversely affected by outsiders.

5 Mr. Dahlerbruch responded, on page one of this 10:49:18
6 exhibit, in part, by saying that the attention on the
7 safety of Lunada Bay surfers has been fostered by the
8 media and interested individuals and the coastal
9 commission.

He also states that police patrols of the beach 10:49:35
may increase from time to time for safety.

12 Do you recall receiving these emails? 10:49:41

13 A I do. 10:49:44

14 Q Did you ever have a conversation, with anyone 10:49:45
15 from the city, about these emails?

16 A I may have had a conversation with the city 10:49:51
17 manager. But no one else in the city.

18 Q Okay. 10:49:55

19 A If I could just clarify. No one else in the 10:49:59
20 city in a leadership role, like, the city council
21 members. I may have had conversations with my staff
22 about these emails, but I never spoke directly with city
23 council about this.

24 Q Did you ever have a conversation with 10:50:13
25 Mr. Papayans about his email?

1 A I don't recall that, no. 10:50:16

2 Q Are you aware that his son is a defendant in 10:50:17
3 this case?

4 A No. 10:50:21

5 Q Okay. And when you said you had a 10:50:21
6 conversation, or you may have had a conversation, with
7 the city manager about this, do you recall when that
8 occurred?

9 A No. And I say may, because I don't have any 10:50:31
10 specific recollection. But we speak daily on a myriad
11 of issues. And during this time, we were speaking a lot
12 about these matters.

13 Q Do you agree with Mr. Dahlerbruch's response 10:50:43
14 that the attention on the safety of Lunada Bay surfers
15 has been fostered by the media and interested
16 individuals and the coastal commission?

17 A I think, to some extent, there is some absolute 10:50:58
18 truth in that, that that was one of the reasons we were
19 doing what we were doing. But that is secondary to just
20 the need to ensure public safety.

21 Q He said that the police patrols of the beach 10:51:17
22 may increase from time to time for safety. Has that
23 been the case?

24 A Yes. Patrols in the surfing areas increased 10:51:23
25 during peak surf season, and decline a little bit when

1 there is no surfers in the water, or no surfing
2 activity, or no other persons in that area to police.

3 Q Okay. I'm going to ask that this be marked as 10:51:42
4 Exhibit 7.

5 (Exhibit 7 was marked for
6 identification by the Certified Shorthand
7 Reporter and a copy is attached hereto.)

8 BY MS. WOLF 10:52:00

9 Q This is Bates stamped CITY 989. It's an email 10:52:14
10 string and a letter. And the first email is from Anton
11 Dahlerbruch to Bianca Santos. You're cc'd as a
12 recipient. And the date of the email is February 9th,
13 2016.

14 Do you want to take a second to look it over? 10:52:37

15 A Thank you. Okay. 10:52:40

16 Q Do you recall receiving this email from 10:53:12
17 Mr. Dahlerbruch?

18 A Yes. 10:53:15

19 Q Did you ever read Ms. Santos's letter that's 10:53:17
20 referenced here?

21 A I did. 10:53:21

22 Q She says that she has lived in Palos Verdes 10:53:22
23 Estates her entire life. And that her husband is
24 uncomfortable because of new police policies. And that
25 he grew up surfing in and around Lunada Bay.

1 Did you ever have a conversation with 10:53:37

2 Ms. Santos or her husband after you received her letter?

3 A I don't believe I spoke to them afterwards. 10:53:43

4 But I do recall speaking to him in Lunada Bay, which is
5 what her letter was about.

6 Q You recall speaking with her husband? 10:53:54

7 A Yes. 10:53:56

8 Q What do you recall that conversation was about? 10:53:56

9 A The conversation was community outreach. It 10:54:02
10 was positive. It was pleasant. He was positive and
11 pleasant. This letter is completely out of character to
12 what occurred there, fabrication.

13 There was no rudeness, no, as I'm described, as 10:54:15
14 annoyingly listening to a complaint. I was very
15 interested in listening to a complaint and addressing
16 any concerns.

17 I may not recall specifically what was spoken 10:54:36
18 about, but I recall the conversation was pleasant. It
19 was brief. It was just one of outreach, support. Hey,
20 if you know anything, let us know. We are out here to
21 protect everyone. If you see anything else, let us
22 know. One of those kind of conversations.

23 Q So is it accurate to say you were surprised by 10:54:55
24 her letter?

25 A Very much so and offended. 10:54:59

1 Q What offended you about the letter? 10:55:01
2 A Just the untruthfulness about it. 10:55:03
3 Q Did you ever have a conversation, with anyone 10:55:08
4 from the city, about Ms. Santos's letter?
5 A Well, same as before. I may not recall 10:55:15
6 specifically a date and time I may have talked about
7 this issue. But I, likely, talked about it with the
8 city manager and the two captains.
9 Q Would it be fair to say that Ms. Santos was not 10:55:32
10 pleased with any efforts the city may have taken to
11 prevent surfing localism?
12 A I don't know. I suppose someone could make 10:55:45
13 that conclusion.
14 Q Okay. I'd like to have this marked as 10:55:48
15 Exhibit 8.
16 (Exhibit 8 was marked for
17 identification by the Certified Shorthand
18 Reporter and a copy is attached hereto.)
19 BY MS. WOLF 10:56:03
20 Q This is Bates stamped CITY 323. And it's a 10:56:11
21 letter from Paul S. to Tony Dahlerbruch. Have you seen
22 this letter before? Take a second to read it over.
23 A Thank you. 10:56:27
24 Okay. I recall seeing this. 10:57:16
25 Q Okay. So it's from Paul S., a 45 year Lunada 10:57:17

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1 Bay resident, to the city manager. He is complaining
2 that, quote, Chief Jeff Kepley and his bay boy vendetta
3 is undermining our tight knit Lunada Bay community, end
4 quote. And that, quote, we are asking for his prompt
5 resignation.

6 He also complains about the expenditure of 10:57:40
7 police resources to patrol Lunada Bay.

8 Did you ever have a conversation with Paul S. 10:57:47
9 about this letter?

10 A No. 10:57:49

11 Q Did you ever have a conversation, with anyone 10:57:51
12 from the city, about this letter?

13 A Perhaps the city manager and the two captains. 10:57:55

14 Q Do you recall what the content of those 10:58:00
15 conversations was?

16 A I recall, at a certain point in time, conveying 10:58:06
17 to the captains that there are people that are not happy
18 with what we're doing. But we have to do the right
19 thing. And we will police the bay. And we will ensure
20 public safety.

21 We will be engaged. And we will be visible. 10:58:23
22 And we will be criticized. And it was a pep talk for
23 them to convey to their troops, to the officers, that
24 there are critics in our community. It's a brightful,
25 beautiful community.

1 And most members of the community don't 10:58:38
2 perceive it to have problems, or want problems, or have
3 the city's business or name in the newspaper or the news
4 or on the radio.

5 It's a private, quiet little community. And 10:58:49
6 some residents, by letters like this during that time
7 frame, expressed disagreement with the way in which I
8 was publicly addressing the issue at hand.

9 Q And did you say you had that conversation with 10:59:05
10 the city manager or people within your department?

11 A I had that conversation with the captains. And 10:59:12
12 as these emails were coming from the city manager, being
13 copied to me, as he was replying to some of these
14 emails, we meet weekly. And we talked about matters of
15 the day.

16 And I'm sure we discussed this. And he too was 10:59:29
17 very supportive of what we were doing in terms of being
18 engaged, in being visible, and trying to ensure public
19 safety.

20 Q Was the captain's response similar to that of 10:59:44
21 the city manager of being supportive?

22 A Absolutely. 10:59:52

23 Q I'd like to mark this document as Exhibit 9. 11:00:09
24 (Exhibit 9 was marked for
25 identification by the Certified Shorthand

1 Q Okay. And do you, as you sit here now, do you 11:16:49
2 believe that it can be dangerous if police officers
3 establish more of a buddy relationship with the people
4 they are trying to police?

5 MR. WORGUL: Objection; calls for speculation, 11:17:07
6 incomplete hypothetical.

7 THE WITNESS: Based on my experience, it could 11:17:13
8 represent an increased challenge for that officer to
9 make an arrest if he had a buddy relationship. So in
10 that context, yes. But it's important to have those
11 relationships in place.

12 BY MS. WOLF 11:17:31

13 Q And do you think -- do you have any concerns 11:17:32
14 that your officers have established a buddy relationship
15 with any of the surfers at Lunada Bay?

16 A I don't have any information that suggests that 11:17:41
17 there is buddy relationships that would inhibit an
18 officer's ability to enforce the law.

19 MR. WORGUL: I will interpose a late objection; 11:17:57
20 that it's vague and ambiguous as to what a buddy
21 relationship is.

22 BY MS. WOLF 11:18:07

23 Q I'm going to ask that this email be marked 11:18:27
24 Exhibit 11.

25 (Exhibit 11 was marked for

1 identification by the Certified Shorthand

2 Reporter and a copy is attached hereto.)

3 BY MS. WOLF

11:18:34

4 Q It's CITY 1402. It's an email, or a string of 11:18:36
5 emails, on February 8th, 2016, between you, Anton
6 Dahlerbruch, Tony Best, Mark Velez, and it looks like
7 Greg Robinson at the top.

8 A Uh-huh.

11:19:12

9 Q This appears to be a statement sent from the 11:19:15
10 city manager to you, and several others, that he wanted
11 posted on the police department's website. Have you
12 seen this statement before?

13 A I have.

11:19:25

14 Q Did you have any input in drafting that 11:19:29
15 statement?

16 A Yeah, I believe the city manager may have 11:19:34
17 performed a few edits, if you will, and then returned it
18 back to me to post. I think I may have proposed it to
19 him, a statement to place on our website as part of our
20 public education campaign.

21 We did a similar methodology of some card we 11:19:54
22 gave to people surfing in the area, parking in the area.
23 So yeah, I think that was something the city manager
24 sent to me as a result of him looking at something I
25 sent to him.

1 Q Is it your position that you drafted this 11:20:08
2 statement?

3 A I drafted a statement for the website. And 11:20:10
4 this looks like that statement that was returned to me.

5 Q Okay. Do you know what his edits were; do you 11:20:20
6 recall?

7 A No. 11:20:27

8 Q The statement references renewed attention on 11:20:31
9 the safety of Palos Verdes Estates beaches. And it says
10 that, quote, we want to ensure our residents and the
11 public can enjoy areas, such as Lunada Bay, in peace.
12 As such, police patrols of our beach areas may increase
13 from time to time.

14 Was anything else done in addition to 11:20:52
15 occasional police patrols to ensure the safety of Lunada
16 Bay?

17 A Yes, but I don't want to minimize the benefit 11:21:08
18 or value of those extra patrols. Because we have, over
19 500 times, a police officer has parked and stood over
20 and looked down the ledge to the surfers to provide
21 oversight and police the area, if you will.

22 And so we did that, and continue to do that. 11:21:29
23 And not just in Lunada Bay, but all of our coastline
24 surf areas. We also produced a cardboard flier, if you
25 will, that encouraged surfers or others to feel

1 comfortable and report crimes or incidents that may have
2 occurred in the surfing areas.

3 Q Was there anything else? 11:21:59

4 A We parked a police car in the area of Lunada 11:22:04
5 Bay with the LED display message in the rear window that
6 displayed a similar localism message requesting anyone
7 with information, or had been victimized, or otherwise
8 had incidents occur to them, we encouraged them to
9 report it to the police department.

10 Again, we historically have had very few 11:22:29
11 reports. Here, these things happen. So we are trying
12 to encourage those to be reported so that we can
13 investigate them and ensure public safety.

14 Q Okay. Now, you said that you've had patrol 11:22:46
15 cars parked at the ledge. And it's happened on
16 approximately 500 occasions. What's the time frame for
17 that?

18 A Well, in terms of time frame, can you just 11:23:03
19 clarify what you mean by that?

20 Q I'm just following up. When you say it's 11:23:11
21 happened about 500 times where the police officers have
22 gone out there and parked on the ledge and patrolled the
23 bluffs, I'm wondering, you said 500 times, what's the
24 time frame for that?

25 A That would be since The Guardian video, 11:23:26

1 whatever date that was, and this became an identified
2 issue for us today. And further, with respect to time
3 frame, those occurred throughout each day. Not once per
4 day. Sometimes, multiple times per day. Obviously,
5 during daytime hours, when there is some benefit to look
6 over the ledge and see who might be down below. It's
7 not lighted at night.

8 Q Do you know if the officers ever went down to 11:23:57
9 the beach on any of those occasions?

10 A Yes. 11:24:03

11 Q Do you know, approximately, how many times they 11:24:04
12 would do that? Was it more typical for them to just
13 stand at the top? Or would they go down every time?

14 A It's more typical for them to stand at the top. 11:24:13
15 They have gone down to the beach. I don't know how many
16 times.

17 Q Now, you said that you also had officers 11:24:21
18 distributing cards to encourage surfers to report
19 crimes. When did that happen?

20 A About the same time that this became -- we 11:24:31
21 became aware of as a result of The Guardian video, we
22 formulated somewhat of a response plan. And that was
23 included in that response plan.

24 Q Do you know how many cards were distributed? 11:24:47

25 A Hundreds. But I don't know how many. 11:24:50

1 Q Do you know on how many occasions they were 11:24:52
2 distributed?

3 A I do not. Because they were distributed to the 11:24:56
4 police officers to pass out to folks in the community
5 when they were on their patrols and doing their bay
6 checks. So I don't. I never received a report of how
7 many per day or per month were passed out.

8 Q Did you say Bates check? 11:25:12

9 A Bay checks. 11:25:15

10 Q Sorry. 11:25:16

11 A Lunada Bay checks. 11:25:17

12 Q Got it. Are they still distributing the cards, 11:25:19
13 currently?

14 A They still have them to distribute. I don't 11:25:23
15 know how frequently they get distributed.

16 Q And were they distributing them within the 11:25:32
17 community only? Or was there any effort to distribute
18 these outside of the community?

19 A There was no effort to distribute them outside 11:25:39
20 of the community. It was primarily folks in the surfing
21 area where witnesses, or victims, or surfers that may be
22 engaged in any kind of issues would receive these cards.
23 And it was an educational outreach program.

24 Q When you said that you had parked, I'm sorry, 11:25:56
25 an officer had parked a cruiser with the LED display,

1 reporting. Because, when I looked into this, I was told
2 by the captains that maybe there are more incidents than
3 are being reported to us.

4 So any time there are incidents where, maybe, 11:49:36
5 there are crime victims that are victimized, that are
6 not being brought to our attention so we can serve their
7 needs and police our community, it's concerning to a
8 police chief.

9 Q And you said, in the past, you had concerns of 11:49:50
10 perhaps that there were issues unreported. Do you still
11 have that concern now?

12 A I don't know for the time being. Again, it's 11:49:57
13 cyclical. It's seasonal. And I don't believe there has
14 been any activity down there. We've seen very, very low
15 attendance of any water recreational activities
16 throughout the summer. I may have that concern as the
17 traffic picks up this next surf season.

18 Q And the surf season in Lunada Bay is, 11:50:18
19 approximately, October to March; is that right?

20 A Roughly. It really picks up around December. 11:50:24

21 Q You also referenced results of the patrol 11:50:35
22 checks as part of your belief that perhaps there is
23 media hype to this issue. What were the results of the
24 patrol checks that led you to believe this?

25 A Well, at some point in time, fairly recently, 11:50:51

1 within the last six months or so, I received a report
2 that our patrol officers had checked the bay 400 times
3 and have not had any, during those incidents, had not
4 had one incident where they observed suspicious or
5 criminal activity, or had anything reported to them,
6 with the exception of the plaintiff's case, Ms. Reed's.

7 They happened to be in the area that day, which 11:51:20
8 I might add was one of the reasons we deployed it for
9 high visibility and for proactive policing.

10 Q So the report you received was discussing the 11:51:31
11 results of patrol checks from the prior six months?

12 A Right. 11:51:40

13 Q And when was the report -- when did you receive 11:51:41
14 the report?

15 A I don't know the date. And it was a verbal 11:51:44
16 report. It wasn't anything official. It was just the
17 captains and I meet weekly, and we talk about matters,
18 current events. And it was just a conversation how
19 things are going, what's going on with the bay checks,
20 we've done 400 and nothing to report.

21 Q Was that report given to you this month or 11:52:00
22 within the past couple of months?

23 A It was sometime in the past six months. And, 11:52:06
24 I'm sorry, I don't recall the date.

25 Q Okay. And they had checked the bay 400 times, 11:52:12

1 is that 400 times during that six-month reporting
2 period?

3 A No, I believe it was a period prior to that. 11:52:22
4 And I don't know what the date range was. But it was
5 given to me as a sense of measurement that, of the 400
6 checks, they had not identified any criminal activity or
7 had anybody come to report criminal activity.

8 Q During the patrols? 11:52:42

9 A During the 400 times that the bay was checked. 11:52:44

10 Q Is it part of the goal of the patrols to show a 11:52:48
11 presence and perhaps act as a deterrent?

12 A Yes. 11:52:57

13 Q And so is it surprising to you that they didn't 11:52:57
14 observe any incidents while they were present?

15 A It's not shocking or surprising. But it's 11:53:08
16 difficult to assert that is the reason there was no
17 criminal activity during that time. Because the
18 officers are there providing that deterrent, or if there
19 was no criminal activity down there.

20 Q But certainly, it's one of the goals of the 11:53:27
21 patrol, to be visible and patrol?

22 A Absolutely. 11:53:33

23 Q You previously worked with Palos Verdes Estates 11:53:43
24 interim police chief in La Habra; is that right?

25 A No. I did not ever work with him. 11:53:52

1 Q Were you there at the same time? 11:53:56

2 A No. 11:53:57

3 Q Okay. The interim police chief for Palos 11:53:58
4 Verdes Estates did work at La Habra prior to taking the
5 role as interim chief; is that right?

6 A So the interim chief that you are referring to, 11:54:09
7 Dave Winneg, was the interim chief at La Habra before I
8 was hired at La Habra as a captain. He had already
9 left. And then he was the interim chief at Palos Verdes
10 Estates before I arrived. We never worked together.

11 Q Okay. I'm going to show you a document that I 11:54:27
12 would like marked Exhibit 13. There is no Bates number
13 on this Exhibit.

14 (Exhibit 13 was marked for
15 identification by the Certified Shorthand
16 Reporter and a copy is attached hereto.)

17 BY MS. WOLF 11:54:56

18 Q This is something I printed off of your 11:54:57
19 website. It's a message on the police department web
20 page regarding surfer localism.

21 A Uh-huh. 11:55:06

22 Q Does this appear to you to be an accurate 11:55:06
23 printout of the Palos Verdes Estates Police Department's
24 web page under the tab surfer localism?

25 A Yes. 11:55:14

1 Q Do you recall when this message was posted on 11:55:15
2 your department's website?

3 A I don't. But it was probably subsequent to the 11:55:22
4 previous emails we had just reviewed from Denis Wolcott
5 proposing language.

6 Q So I believe the email from Denis Wolcott was 11:55:34
7 in February of 2016. So was this posted sometime after
8 that?

9 A It was about that time. 11:55:44

10 Q Okay. 11:55:45

11 A I believe it was activated during the surf 11:55:47
12 season with the intent of having an affect for public
13 safety during the peak of the season.

14 Q Okay. Do you recall whose idea it was to post 11:55:57
15 this information to your department's website?

16 A No. It was -- I don't want to claim it as my 11:56:11
17 idea. Because, quite frankly, it was a cumulative team
18 effort between the city manager, myself, and the
19 captains, and probably, at some point in time, Denis
20 Wolcott.

21 Q Do you know who drafted this content? 11:56:29

22 A I don't recognize it today. But I know I 11:56:35
23 drafted some content and forwarded it to Greg Robinson,
24 who does our IT work in-house, to post it on the
25 website.

1 So it may be my work product. Or it may be the 11:56:49
2 product that Denis Wolcott produced.

3 Q And Greg Robinson, you said, is he with the 11:56:54
4 Palos Verdes Estates Police Department?

5 A He is a police corporal that is assigned to 11:56:59
6 information technology right now.

7 Q Do you recall having any discussions with 11:57:07
8 anyone at the Wolcott company before the content was
9 drafted?

10 A No. 11:57:13

11 Q Do you recall having any conversations with 11:57:14
12 them regarding this content?

13 A It's likely we -- Denis Wolcott, and I, and the 11:57:18
14 city manager discussed a message, a website posting and
15 the like. But I don't have any specific recollection of
16 that.

17 Q And I assume that you -- not to sound like a 11:57:30
18 political ad -- but I assume you approved this message?

19 A Yeah, it is very timely. Yes, I approved this 11:57:38
20 message.

21 Q Has the city made any other efforts, aside from 11:57:44
22 posting this message, handing out the cards that we
23 discussed, to distribute the message regarding localism
24 and how it won't be tolerated at Palos Verdes Estates?

25 A And the LED message board. 11:58:01

1 Q Yes. Thank you. 11:58:03

2 A There may be other components of our public 11:58:05
3 outreach campaign. Off the top of my head, that seems
4 to be most of them. And I think, to me, it's
5 commensurate with the issue at hand.

6 Meaning that, with so few incidents occurring 11:58:19
7 down there, and with the burglary spree, and everything
8 else we were doing, I think our efforts were appropriate
9 and reasonable in scope and size.

10 Q Do you believe that it targeted the right crowd 11:58:34
11 if the concern is the safety of, you know, outsiders who
12 come into the community to serve?

13 A It's hard to say. Because I don't know whether 11:58:49
14 it's an insider or outsider. But a surfer who might
15 engage in this behavior may not take the time out of
16 this day to go look at our website. But we are trying
17 to do everything we can to address this as best we can.

18 Q Was there any effort to post this message on 11:59:12
19 any kind of social media, or surfer blogs, or anything
20 like that?

21 A That was part of what Denis Wolcott would have 11:59:22
22 done. I don't know if that was done or not.

23 Q Okay. 11:59:27

24 A We did have discussions about other means of 11:59:27
25 outreach, Facebook, and that sort of thing.

1 it might be something out of the ordinary that's
2 prompted by a captain to send it to my office. But, no,
3 I don't, as a matter of routine, review all reports of
4 crime.

5 Q Okay. How many full-time sworn officers are 12:07:37
6 employed by your department?

7 A Twenty-five. 12:07:48

8 Q And do you have any reserve officers? 12:07:50

9 A We do. But that number fluctuates and has been 12:07:52
10 decreasing recently with some retirements.

11 Q And what is that number currently, if you can 12:07:59
12 estimate?

13 A I would estimate six. 12:08:03

14 Q Do you have any non-sworn officers? 12:08:11

15 A We do. 12:08:13

16 Q How many? 12:08:15

17 A I think 12 is the number. And we refer to 12:08:17
18 those as police service officers. And just for
19 clarification, it's kind of unique within our police
20 department, these are people who perform the combined
21 duties of a typical police dispatcher and a jailer.

22 Also are commonly referred to as a service officer.

23 Q So the officers who are performing the patrols 12:08:47
24 in the community are either the reserve officers or the
25 full-time sworn officers?

1 done. I'm just giving you my impression of it. It's a
2 large coast line occupied by a lot of folks, some of
3 which, I'm sure, at some point in time, have had alcohol
4 down there. And I don't have any kind of tracking or
5 outcome of enforcement action before me today.

6 Q And you're familiar with what's been referred 13:20:58
7 to as the patio or the fort, down at the beach at Lunada
8 Bay?

9 A Yes. 13:21:06

10 Q And have you received reports of alcohol being 13:21:07
11 consumed in or around that structure?

12 A I have. 13:21:18

13 Q And have you given any direction, to any 13:21:21
14 officers, regarding enforcement of this ordinance as it
15 relates to any alcohol consumption on that structure?

16 A I don't recall giving any, like, additional 13:21:33
17 direction, above and beyond what we normally expect them
18 to do, which is enforce the municipal code.

19 Q Are you aware that in January of this year, 13:21:49
20 Mr. Dahlerbruch made an informal visit to Lunada Bay and
21 was offered a beer at that structure?

22 A I am aware of that. 13:21:59

23 MR. WORGUL: Objection; vague as to time. 13:22:01

24 MS. LUTZ: Join. 13:22:03

25

1 A Yes, they are. 13:36:29

2 Q And it sounds like they have familiarity with 13:36:30
3 the bay boys. And it says that they were able to
4 recognize the names of individuals based on the victim's
5 statements. Would you agree?

6 A Based on this narrative, I would agree. 13:36:41

7 MR. WORGUL: I object; the document speaks for 13:36:44
8 itself.

9 BY MS. WOLF 13:36:48

10 Q But, to your knowledge, the department doesn't 13:36:49
11 keep any sort of database or file on known or any known
12 suspects who are members of the bay boys?

13 A That's correct. 13:37:07

14 Q Now, page 6 of this a supplement. And it says 13:37:22
15 that, two days later, on the 27th, the officer contacted
16 the victims who said that they had a change of heart and
17 no longer desired to have the incident investigated.
18 And that based on those statements, the case would be
19 closed as unfounded.

20 So, again, is there really nothing else that 13:37:52
21 officers could have done here, given the victim's change
22 of heart?

23 A Well, I'm reading a section in this paragraph 13:38:02
24 that says that the victims felt that, in retrospect, it
25 was a misunderstanding regarding surfing. And so, you

1 then subsequent to that briefing, at some point in time,
2 Mr. Otten and Ms. Reed visited my office to discuss this
3 matter.

4 Q Okay. Does the department keep photos of 14:36:04
5 suspected bay boys?

6 A If they're arrested, we have an arrest record. 14:36:11
7 Otherwise, we don't have a photo collection, if you
8 will.

9 Q Okay. Are you familiar with any individuals 14:36:18
10 who have been identified as a suspected bay boy?

11 A No. 14:36:29

12 Q Are you aware that an officer told Ms. Reed 14:36:36
13 that the police department keeps photos of all the
14 members of the bay boys?

15 A I think I had heard that. And when I asked -- 14:36:48
16 I was directly told by my captain that that was probably
17 an error, because it doesn't exist.

18 Q Did anyone follow up with that officer, to 14:37:02
19 either clarify with him, what he meant by that
20 statement?

21 A I don't know. I did not. 14:37:08

22 Q Now, Ms. Reed asked the officer if she could 14:37:22
23 view photos to make a positive identification of the bay
24 boys who harassed her and was told no. If the officer
25 had photos of suspects, do you know why she wasn't able

1 Q Now, how many shifts are there in a given day? 14:41:42
2 A Two shifts. 14:41:46
3 Q What are the hours of the shifts? 14:41:47
4 A 7:00 a.m. to 7:00 p.m. And then, of course 14:41:49
5 7:00 p.m. to 7:00 a.m.
6 Q How many officers work on each shift? 14:42:00
7 A Two patrol officers, one for each end or half 14:42:03
8 of the city. Then a field supervisor or a sergeant that
9 provides functional supervision.
10 Q So, generally speaking, at any one shift, there 14:42:19
11 would be three officers on duty?
12 A Yes. 14:42:25
13 Q If you were getting regular reports of 14:42:41
14 vandalism or harassment, battery or indecent exposure,
15 for instance, occurring at a different location, say, a
16 public elementary school, would you still say there was
17 little you could do to address the situation?
18 MR. WORGUL: Vague and ambiguous, incomplete 14:43:03
19 hypothetical.
20 MR. RICHARDS: I'm sorry, did you start your 14:43:05
21 question with if you received that?
22 MS. WOLF: Yes. 14:43:10
23 MR. RICHARDS: Thanks. 14:43:11
24 THE WITNESS: Let me just remind you of the 14:43:13
25 context. When we are making statements about policing

1 Lunada Bay, it was at a period of time when we were
2 dealing with a large burglary problem. So our resources
3 were a bit strained.

4 So that being said, whether it's an elementary 14:43:30
5 school, Lunada Bay or another location in our city, we
6 would evaluate the need to redirect our resources and
7 police that appropriately, the best we can, no matter
8 the situation or the location.

9 BY MS. WOLF 14:43:47

10 Q Has the burglary problem resolved? 14:43:48

11 A Yes. Knock on wood, as of today and for quite 14:43:51
12 some time now, it's been resolved. But those are also
13 cyclical and seasonal in nature.

14 Q Sure. Now, referencing the rash of burglaries 14:44:03
15 that we had discussed earlier, I think you said it was
16 around December of 2015, do you recall approximately
17 when that problem was resolved?

18 A Well, statistically, it resolved in the middle 14:44:18
19 of January. But dedicated resources weren't lightened
20 up until probably late March.

21 Q Why is that? 14:44:28

22 A Well, because the burglars were still active in 14:44:30
23 the area and adjacent cities. And it was important that
24 we maintain high visibility in a deterrent effect and an
25 apprehension opportunity for a period of time.

1 Because you can never know when they are going 14:44:49
2 to come back and do another burglary.

3 Q Is it your belief that it resolved because 14:44:54
4 these particular individuals, who were committing these
5 burglaries, moved onto a different area or because they
6 were caught?

7 A I believe it was a combination. But probably 14:45:05
8 more of the latter.

9 Q That they were caught? 14:45:08

10 A Right. Many of them were, were caught. And my 14:45:10
11 detectives were very busy doing that, as well. We
12 arrested many of them. So I think that has an effect on
13 the crime spree.

14 Q And I believe, during that meeting you and 14:45:33
15 Captain Best encouraged Ms. Reed to carry a cell phone
16 with her at Lunada Bay; is that right?

17 A Yes. 14:45:41

18 Q Is there cell phone coverage down there at the 14:45:42
19 beach?

20 A Every time I've gone down there, I had cell 14:45:45
21 coverage.

22 Q So, to your knowledge, cell phones do work down 14:45:49
23 there?

24 A Sure. I mean, there is multiple carriers. And 14:45:52
25 I don't have an appraisal of each one. But I believe

1 MR. WORGUL: Is this regarding the 2/13 15:00:59
2 incident or 2/29 incident?
3 MS. WOLF: Exhibit 24. 15:01:05
4 THE WITNESS: Yes. 15:01:06
5 BY MS. WOLF 15:01:06
6 Q Do you recall when that was? 15:01:07
7 A No. 15:01:08
8 Q And what changed, what enabled her to view a 15:01:10
9 photo lineup, at that point?
10 A Well, nothing changed. 15:01:16
11 MR. RICHARDS: Object; to the form of the 15:01:18
12 question. You are assuming that something changed.
13 There is no evidence that something changed.
14 MS. WOLF: He testified, earlier, that she was 15:01:24
15 not given a photo lineup when she requested that.
16 MR. RICHARDS: No, I don't think he said that. 15:01:29
17 MS. WOLF: I believe so. 15:01:31
18 MR. RICHARDS: Go ahead. 15:01:32
19 THE WITNESS: She was not given the opportunity 15:01:33
20 to look at the bay boys photo album. Because it doesn't
21 exist. And the reason she wasn't able to view a lineup
22 of pictures, one of which was a suspect, for her to
23 identify the suspect, because the process just hadn't
24 happened yet.
25 And for her, and for maybe many others, they 15:01:54

1 are accustomed to how fast things happen on TV and, you
2 know, working with burglars and other things, detective
3 resources are there. But they are spent. They are
4 busy.

5 So the case got to a detective. What we call a 15:02:08
6 six pack was produced. And at the appropriate time, she
7 was called in to view that. There was no intentional
8 built in delay. And there wasn't anything significantly
9 that changed. It was the process had to take its course
10 of a normal criminal follow up investigation.

11 Q Do you recall if she made a positive photo 15:02:30
12 identification?

13 A I knew the answer to that when I was briefed. 15:02:36

14 But time has passed, and I would have to refresh my

15 recollection. Right now, I don't remember if she

16 identified the correct suspect or not.

17 Q Do you recall if anyone was arrested as a 15:02:47
18 result of her identification?

19 A I believe there was an arrest in this case. 15:02:51

20 Q Okay. And do you recall if that was presented 15:02:54
21 to the DA for prosecution?

22 A It was. And this is the case, I believe, that 15:03:01
23 the district attorney declined to file charges based on
24 some discrediting information from a witness.

25 Q Okay. Now, looking back at all these -- are 15:03:14

1 attack and threaten surfers in the water?

2 A No. 15:04:46

3 Q Have you ever reached out to any beach 15:04:49

4 community to discuss best practices, or collaborate on

5 localism challenges, or surfing-related crimes?

6 A Yes. 15:05:00

7 Q And which communities are those? 15:05:00

8 A Huntington Beach. The beach areas around the 15:05:08

9 Palos Verdes Peninsula, via the Sheriff's Department,

10 Santa Monica. There may be a few others. I've talked

11 to various chiefs over a period of time as the

12 opportunity arises.

13 Q Do they face similar problems with localism? 15:05:29

14 MR. WORGUL: Objection; calls for speculation. 15:05:34

15 MS. LUTZ: Join. 15:05:37

16 MR. CROWLEY: Argumentative. 15:05:40

17 THE WITNESS: Most of the chiefs did not 15:05:43

18 believe they had a localism problem in their

19 jurisdictions, nor did they have any information for me

20 to consider best practices, if you will.

21 BY MS. WOLF 15:05:58

22 Q So they weren't able to provide you with any 15:05:58

23 suggestions, or advice, on how to deal with any

24 surfing-related incidents?

25 A Correct. 15:06:05

1 BY MS. WOLF 15:54:42

2 Q I believe, when we left off, we were looking at 15:54:43

3 Exhibit 25. It's a memorandum from you to the mayor and

4 city council. Did you write this memorandum?

5 A I did. 15:54:52

6 Q And the subject is localism in Lunada Bay. Why 15:54:52

7 did you write this memo?

8 A Just as a briefing to the council. 15:55:05

9 Q Was there any incident, in particular, that 15:55:07

10 spurred you to write this memo?

11 A Let me just look at it a little further. 15:55:16

12 Q Sure. I don't know if I said this is Bates 15:55:20

13 numbered CITY 1113.

14 A So this is just to brief the council about news 15:56:09

15 coverage.

16 Q Okay. Did anyone help you write this? 15:56:16

17 A I don't think so. 15:56:20

18 Q Now, at the third paragraph, on that first 15:56:22

19 page, you acknowledge that the police department has

20 dealt with localism in the early '90s. And you

21 described the complaints -- the types of complaints that

22 were received.

23 Looking at this paragraph, and the type of 15:56:42

24 complaints, do those seem similar to the complaints that

25 have been received more recently from your department?

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1 A Yes and no. I made reference to letting the 15:57:16
2 air out of the tires. That wasn't a recent complaint.
3 That was in the past. But stealing property, no, but we
4 did have property damage. So similar, but not quite the
5 same.

6 Q And you outline measures that the department 15:57:28
7 has taken to address localism in Lunada Bay, including
8 extra patrol on high surf days, using ATVs, having
9 officers dress in plain clothes and interact with cliffs
10 and bluffs, undercover operations and boat patrols.

11 Are any of these measures currently employed by 15:57:47
12 your department to address localism?

13 A No. These -- these measures were in that 15:57:53
14 period of time.

15 Q So none of these are currently employed? 15:57:59

16 A Not this time of year. 15:58:03

17 Q What about when the surf season begins, do you 15:58:04
18 plan on using any of these measures?

19 A All of those would be considered as strategy at 15:58:10
20 that point in time, yes.

21 Q Have you developed a strategy for the up coming 15:58:15
22 surf season?

23 A Yes, it's being developed. It's not completed. 15:58:19

24 Q Who are you working with to develop the 15:58:22
25 strategy?

1 A My staff. 15:58:25
2 Q Who on your staff, specifically? 15:58:26
3 A Captain Velez and Captain Best. 15:58:28
4 Q Has your department ever attempted to address 15:58:35
5 the issue of localism by leaving fliers on cars?
6 A Yes. 15:58:43
7 Q Do you recall when that was? 15:58:45
8 A My earlier testimony referred to the cards I 15:58:53
9 produced. Those were also left on cars.
10 Q So it's the same? 15:58:58
11 A Yes. 15:58:59
12 Q Do you know how many Palos Verdes Estates 15:59:09
13 police officers surf?
14 A I do not. 15:59:14
15 MR. WORGUL: Objection; asked and answered. 15:59:15
16 MS. LUTZ: Join. 15:59:19
17 BY MS. WOLF 15:59:20
18 Q Do you know whether they surf at Lunada Bay? 15:59:21
19 A I do not. 15:59:24
20 Q Have you ever inquired whether any officers 15:59:25
21 surf at Lunada Bay?
22 A No. 15:59:30
23 Q Do you know if any of the officers socialize 15:59:33
24 with men who have been considered bay boys?
25 MR. WORGUL: Objection; vague and ambiguous, 15:59:41

1 would like to do.

2 MR. CROWLEY: We're done. 17:38:00

3 MR. RICHARDS: I think I can take care of the 17:38:00
4 chief.

5 MR. WORGUL: I'm going to do perfectly what's 17:38:03
6 best for my client.

7 MS. WOLF: If know one wants to use the time, 17:38:07
8 then I think we are done.

9 THE VIDEOGRAPHER: This concludes today's 17:38:15
10 deposition given by Chief Jeff Kepley. The media will
11 be retained by Veritext Legal Solutions. We are off the
12 record at 5:38 p.m.

13 (WHEREUPON, THE PROCEEDINGS ENDED AT 5:38
14 P.M.)

15 (DECLARATION OF PENALTY OF PERJURY ON THE
16 FOLLOWING PAGE, ATTACHED HERETO.)

17

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1 REPORTER'S CERTIFICATE

2 I, the undersigned, a Certified Shorthand
3 Reporter of the State of California, do hereby
4 certify:

5 That the foregoing proceedings were taken
6 before me at the time and place herein set forth;
7 that any witnesses in the foregoing proceedings,
8 prior to testifying, were administered an oath;

9 That a record of the proceedings was made by
10 me using machine shorthand which was thereafter
11 transcribed under my direction;

12 That the foregoing transcript is
13 a true record of the testimony given.

14 Further, that if the foregoing pertains to
15 the original transcript of a deposition in a Federal
16 Case, before completion of the proceedings, review
17 of the transcript was not requested.

18 I further certify I am neither financially
19 interested in the action nor a relative or employee.

20 IN WITNESS WHEREOF, I have this date
21 subscribed my name.

22 Dated: October 27, 2016

Kathy Pa'u

24 Kathy L. Pa'u, CSR No. 5684

25

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Nextdoor Malaga Cove – 12/31/15



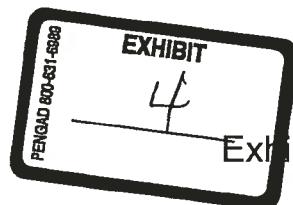
PVE Surfing Localism In The Media This Week

Jeff Kepley from Malaga Cove

As PVE or area residents, you may have seen the recent LA Times or OC Register stories this week about the Lunada Bay surfing problems and my position to put an end to the surfer localism (Google "Surfer Localism" to learn more about it worldwide). Please allow me to make some comments about this local issue in our community:

This is an old story and one that I do not consider news or worthy of news coverage. This story got some attention and traction last year with an undercover reporter for The Guardian (online news source) secretly video recorded surfers hassling him in Lunada Bay, and then illegally recorded his later conversation with a PVEPD police dispatcher at the police lobby. This generated wide interest and caused many news organizations to re-report it. I never disputed their findings, and acknowledge we have work to do here with these bullies, and this has been going on intermittently for probably fifty years. Ever since the Guardian's story however, this trend has continued - meaning that, in this case, the LA Times did a story so now other media sources want to re-tread it and breathe new life into it as if it's new or newsworthy. I am not interested in keeping this alive, as it is not reflective of the character of our prideful community and does not, in my opinion, contribute the solution. I went on the radio talk show "Air Talk" a few months back and participated in a live radio broadcast with KPCC and other shows and news programs, which you may have heard. They are again trying to cover this story and I have declined to be interviewed several times this week.

Some media reports have given the impression that this community has a group of local PVE residents called the "Bay Boys" that is bullying outsiders, like an organized street gang. While there may be some truth to that and there may be or has been a loosely organized local group, our recent experience most often shows otherwise. In most cases, these are young men from other areas, who do not live here, but who surf here and do what surfers do everywhere - hog the waves and



dissuade others from joining in. This is not unique to this community and in my opinion is only getting media attention due to the City's name, and for being a wealthy community. Surfing localism occurs everywhere surfers surf. While this police department has been criticized for not taking it seriously, we have over the years done much to address the problem before I took over as Chief. Likely not enough though.

In response to the current criticism that our PVE Police Department doesn't care and declines to become involved (as reasonably inferred from the Guardian's undercover video of the conversation with our dispatcher earlier this year), I have taken steps to improve safety and demonstrate a more accurate police department position and response:

Our police officers conduct several daily surfer safety checks along our coastline, mainly three spots; Malaga Cove, Bluff Cove, and Lunada Bay. The officers are required to get out of their patrol cars and walk to the bluff's edge (100 feet or more above the water) and visually monitor the surfers to ensure no assaults, disputes, or other localism behavior is occurring. This is also a visible deterrent that lets those in the water know that we are policing the area. The officers also patrol the parking area along Paseo Del Mar, the street commonly used by surfers to park their cars. The officers look for evidence of vandalism such as flattened tires, surf board wax applied to cars, etc., and assaults or disputes. They also greet surfers to educate and inform them of the situation by disseminating information cards which encourages localism victims to report any acts of localism to the PVE Police Department. To date, we have observed no actionable incidents on our daily surf checks and have had very few incidents reported, all minor. We have met with prosecutors from the Los Angeles District Attorney's Office to discuss prosecution of future offenders, including felony gang enhancements should the criminal behavior meet those legal definitions - let this be a warning to those involved.

All of this is taking precious time away from our police officers patrolling our streets during an unprecedented increase in residential burglary, which is our current main focus. While surfing safety is important and something we are engaged in daily, we have many other policing duties for a small police department with limited resources.

Our local residents, as far as I can tell, do not focus much attention on this surfer issue. A few have sent e-mails to me supporting my stance and reiterating the

negative light shed upon our great little city by this coverage which they do not appreciate – they too believe there are more positive attributes about this community and do not want to be labeled as the place where there is a surfing problem. For the few that have shared with me that they know of and/or support the Bay Boys, as this City's Police Chief I will not condone or tacitly approve illegal conduct of any kind regardless of history, legacy, or residency.

Philosophically, I take great issue with those who engage in this surfer localism and have great distain for bullying behavior. I have vowed to stop it, arrest those vandalizing, harassing/assaulting, etc., and will issue a press release when those arrests are made. Our coastline is unique, beautiful and open to everyone – it is not a private playground for a few bullying surfers. I think our City and its coastline should be known as a beautiful, safe place where all people can recreate, surf, swim, scuba, boat, etc., free of harassment, intimidation, assault, etc. I want to support and protect our surfers too, both local and visiting. I am disturbed when I hear residents tell me that their children (some young, some old), who grew up here, cannot surf in Lunada Bay out of fear about bullies. I've heard this too often.

Some may be concerned that my enforcement position will result in our area becoming too well known and over occupied if everyone is allowed to come here - assuming the localism limits visits. Well, everyone is allowed now, as a matter of civil rights and freedoms. And, our PD will address any unlikely increases in visitors that cause problems. If the media attention is likely to draw more interest and visitors to our area, know that the only source of media attention now is the illegal behavior of surfer localism, not actions or inactions taken by this police department which if anything is a side issue to the main story.

Thank you for your support. I welcome your comments.

Jeff Kepley
PVE Police Chief

From: Jeff Kepley
Sent: Monday, February 08, 2016 12:37 PM
To: Greg Robinson
Cc: Anton Dahlerbruch; Tony Best; Mark Velez
Subject: FW: Statements

Greg, please post this on our PD web page today, in a conspicuous place, but also in the localism section. Jeff

From: Anton Dahlerbruch
Sent: Monday, February 08, 2016 12:30 PM
To: Jeff Kepley <jkepley@pvestates.org>; Vickie Kroneberger <vkroneberger@pvestates.org>; Joe Mendoza <jmendoza@pvestates.org>
Cc: Sheri Repp <srepp@pvestates.org>; Denis Wolcott (denis@TheWolcottCompany.com)
<denis@TheWolcottCompany.com>
Subject: FW: Statements

The following is for posting on the City's website and on the PD webpage.

Thanks, Tony

Protecting all

The City and its Police Department are committed to ensuring the safety and security of all. We are happy to report that a recent rash of burglaries have declined, and we believe this is due to the hard work of our police department and increased awareness among homeowners to ensure their residences are properly secured. Several arrests were made. Our police department continues to monitor the situation and will take the necessary steps should we experience a return of this activity.

In recent weeks, there has been renewed attention regarding the safety of our beaches, notably complaints that a few surfers are allegedly demonstrating intimidation tactics to "protect" the waters for local surfers. As with any complaint or concern about public safety, our Police Department investigates and evaluates the situation, and will take appropriate action. As with any public facility, we want to ensure our residents and the public can enjoy areas, such as Lunada Bay, in peace. As such, police patrols of our beach areas may increase from time to time. There also have been news media reports focusing attention on an unpermitted outdoor structure at Lunada Bay and whether this structure is a contributing factor to the complaints we have received. No decisions have been made about the structure, but the City and the Police Department are evaluating various options. Again, our goal is to ensure the safety of all.

We welcome your input and encourage an exchange of factual information. One of the ways that the City and Police Department communicate to residents on safety matters such as this is through the Neighborhood Watch program. Residents are encouraged to attend upcoming community outreach programs hosted by the Neighborhood Watch, that when scheduled are posted on www.pvenw.org. Questions about Neighborhood Watch, burglaries in the community or public safety along the coastline can be directed to Captain Mark Velez in the Police Department at 310.378.4211 (non-emergency business line).

Thank you.

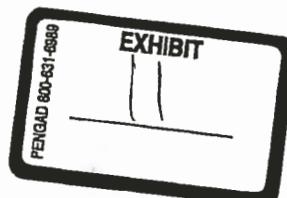


Exhibit E, page 236

CITY1402

10/5/2016

Palos Verdes Estates, CA : Surfer Localism

Surfer Localism



A Message from the Chief of Police

"Localism," or sometimes referred to as territorialism, will not be tolerated in Palos Verdes Estates. This is occasionally reported as an act of intimidation or dissuasion on the part of locals targeting out-of-town surfers to prevent them from surfing local waters. Or, there may be acts of vandalism to vehicles, personal property, etc., for the purpose of driving out-of-area guests away from the coastal areas.

The beaches, shoreline, and surfing areas along the Palos Verdes Estates coastline are all open to the public. There are no private beaches. Therefore, if you or anyone with you experiences any form of harassment, intimidation, assault, vandalism, etc., you are strongly urged to contact the Palos Verdes Estates Police Department to immediately report the incident.

Our officers are committed to assuring beach access and recreational tranquility to all people accessing the Palos Verdes Estates coastline.

Report these incidents to 310-378-4211, or if life threatening call 9-1-1.

Jeff Kepley, Police Chief
City of Palos Verdes Estates Police Department

City Comments on Surfer Issues: Protecting all

The City and its Police Department are committed to ensuring the safety and security of all. We are happy to report that a recent rash of burglaries have declined, and we believe this is due to the hard work of our police department and increased awareness among homeowners to ensure their residences are properly secured. Several arrests were made. Our police department continues to monitor the situation and will take the necessary steps should we experience a return of this activity.

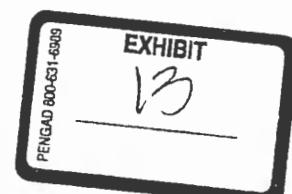


Exhibit E, page 237

10/5/2016

Palos Verdes Estates, CA : Surfer Localism

In recent weeks, there has been renewed attention regarding the safety of our beaches, notably complaints that a few surfers are allegedly demonstrating intimidation tactics to "protect" the waters for local surfers. As with any complaint or concern about public safety, our Police Department investigates and evaluates the situation, and will take appropriate action. As with any public facility, we want to ensure our residents and the public can enjoy areas, such as Lunada Bay, in peace. As such, police patrols of our beach areas may increase from time to time.

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Thank you.

Exhibit E, page 238



MEMORANDUM

POLICE DEPARTMENT

TO: HONORABLE MAYOR AND CITY COUNCIL
FROM: JEFF KEPLEY, POLICE CHIEF *[Signature]*
SUBJECT: LOCALISM IN LUNADA BAY
DATE: MAY 21, 2015

Recently, an on-line story was published on LAlist.com regarding surfing localism and the associated conflicts in Lunada Bay. The story featured a hidden video which documented some of the attitudes and actions of those believed to be locals, toward out-of-town surfers. This resulted in primetime news stories on the topic on K-Cal 9 and CBS2 news broadcasts on May 20, 2015,

During my tenure over the past year, I have heard of this issue and have been told stories of past incidents of vehicle tampering, etc. Although our Police Department does not receive surfing related complaints frequently, we do occasionally receive a call or complaint regarding harassment, intimidation, or vehicle tampering. According to our in-house police records, in 2014 officers filed three surfer-related reports. One was a report of someone letting the air out of the tires of a surfer's vehicle, while the other two were reports of verbal harassment. These complaints were direct calls from the victims and not as a result of news reports or third party callers. There have been no reports in 2015, but we have no way of knowing how many incidents may have occurred which were not reported.

As a historical perspective, the Police Department dealt with localism issues back in the early 1990s. During that time, our officers dealt with complaints of harassment wherein locals were "stealing" waves, letting air out of tires, and stealing personal property from out of town surfers. Perhaps the most significant incident occurred when one subject threw a rock at the head of another person during a fight. The subject who threw the rock was arrested, and the victim was hospitalized. A lawsuit was later filed by the victim against the aggressor, and the City. The City was later dropped from the lawsuit.

During the past several years, we have implemented several measures to address localism in the Lunada Bay area. These measures have included the following:

- Extra patrol with uniformed officers on high surf days
- Utilizing the ATVs to patrol the cliff's edge



Exhibit E, page 239

CITY1113

- Having officers dress in plain clothes and drive unmarked vehicles to observe and interact with people along the cliffs and bluffs
- Undercover operations involving officers from our department and other agencies
- Boat patrols in Lunada Bay.

Our ocean patrol boat, which is dry docked and in need of replacement, would be useful to create a police present in the bay during the time surfers are in the water. Additionally, we expect to have our Parkland Rangers in place by summer which will be another resource to patrol and maintain a presence on the bluff trails, shoreline, etc.

Our police department's duty and mission is to respect the rights of all people, not just the local residents. Police employees are to encourage all people, regardless of their residency, to report incidents so that officers can keep the peace, dissuade illegal or inappropriate conduct and behavior, as well as to track and monitor these incidents and adjust our presence and enforcement as appropriate.